

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: 05 Civ. 8626 (JSR)  
In re REFCO, INC. SECURITIES LITIGATION :  
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**AFFIDAVIT OF STEPHEN J. CIRAMI REGARDING  
(A) MAILING OF THE NOTICES AND PROOF OF CLAIM AND RELEASE  
CONCERNING SETTLEMENTS WITH THE THL AND AUDIT COMMITTEE  
DEFENDANTS, THE SETTLING UNDERWRITER DEFENDANTS AND SANDLER  
O'NEILL & PARTNERS L.P.; (B) PUBLICATION OF SUMMARY NOTICES  
CONCERNING THE SETTLEMENTS WITH THE THL AND AUDIT COMMITTEE  
DEFENDANTS, THE SETTLING UNDERWRITER DEFENDANTS AND SANDLER  
O'NEILL & PARTNERS L.P.; AND (C) REPORT ON REQUESTS FOR EXCLUSION**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

STEPHEN J. CIRAMI, being duly sworn, deposes and says:

1. I am the Senior Vice President of Operations for The Garden City Group, Inc. ("GCG"). Pursuant to the Court's July 30, 2010 Order Preliminarily Approving Proposed Settlement with the Audit Committee and THL Defendants, the Court's July 30, 2010 Order Preliminarily Approving Proposed Settlement with the Settling Underwriter Defendants, and the Court's July 30, 2010 Order Approving Notice of Proposed Settlement with Sandler O'Neill & Partners L.P. and Setting Settlement Hearing (together, the "Preliminary Approval Orders"), GCG was authorized to act as the Claims Administrator in connection with the settlements in the above-captioned action. I have personal knowledge of the facts stated herein.

2. As more fully stated in the April 3, 2007 affidavit entitled "Affidavit of Jose C. Fraga Regarding the Mailing and Publication of Notice," GCG, pursuant to the March 5, 2007 Order Preliminarily Approving Proposed Settlement with Defendant BAWAG, conducted a mailing campaign (the "2007 Mailing") in connection with the Notice of (I) Pendency and

Proposed Partial Settlement of Class Action with BAWAG, and (II) Hearing on Proposed Partial Settlement (the “BAWAG Notice”). Through those efforts, GCG identified approximately 18,400 potential class members and mailed to them BAWAG Notices. BAWAG class members included those persons or entities who purchased or otherwise acquired Refco Group Ltd., LLC/Refco Finance Inc. 9% Senior Subordinated Notes due 2012 and/or Refco, Inc. common stock between August 5, 2004 and October 17, 2005, inclusive (the “BAWAG Class Period”). To identify these potential BAWAG Class Members, GCG, among other things, mailed to brokerage firms, banks, institutions and other potential nominees (the “Nominees”) listed in GCG’s proprietary Nominee Database. In response, the Nominees provided the names and addresses of their clients who were potential BAWAG Class Members or requested additional copies of the BAWAG Notice for forwarding directly to their clients. Accordingly, in connection with the 2007 Mailing, GCG mailed to potential Class Members and potential Nominees a total of approximately 23,100 BAWAG Notices.<sup>1</sup>

**MAILING OF THE NOTICES AND PROOF OF CLAIM CONCERNING  
THE SETTLEMENTS WITH THE THL AND AUDIT COMMITTEE DEFENDANTS  
AND THE SETTLING UNDERWRITER DEFENDANTS  
AND SANDLER O’NEILL PARTNERS L.P.**

3. Pursuant to the Preliminary Approval Orders, GCG has been responsible for disseminating four documents to potential class members (1) the “Notice of (I) Proposed Settlements of Class Action with the Underwriter Defendants, (II) Hearing on Proposed Settlements, and (III) Motion for Award of Attorneys’ Fees and Reimbursement of Expenses” (the “Underwriter Notice”);<sup>2</sup> (2) the “Notice of (I) Proposed Settlement of Class Action with the Audit Committee and THL Defendants and (II) Hearing on Proposed Settlement and (III) Motion

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<sup>1</sup> This does not include approximately 9,600 packets sent in bulk to Merrill Lynch in 2007. Between 2007 and 2010, Merrill Lynch changed its procedures and in 2010 provided the names and addresses of its clients.

<sup>2</sup> The settlement with Sandler O’Neill Partners L.P. was included in the Underwriter Notice.

for Award of Attorneys' Fees and Reimbursement of Expenses" (the "THL Notice"); (3) the Plan of Allocation; and (4) the Proof of Claim and Release (the "Proof of Claim"). Collectively, these four documents comprise the "Claim Packet".<sup>3</sup> A copy of the Claim Packet is attached hereto as Exhibit A.

4. In August 2010, GCG created a mailing file consisting of 18,426 names and addresses compiled as a result of the 2007 Mailing. On August 11, 2010, Claim Packets were disseminated to those 18,426 potential Class Members by first class mail and 1,998 Claim Packets were mailed to 18 Nominees who made requests for BAWAG Notices in bulk for forwarding to their clients in the 2007 Mailing. In addition, on August 11, 2010, Claim Packets were mailed to 2,465 names and addresses of potential Nominees listed in GCG's proprietary Nominee database.<sup>4</sup> These 2,465 Claim Packets included a letter explaining that if the Nominees had previously submitted names and addresses in connection with the 2007 Mailing, or had previously requested BAWAG Notices in bulk, they did not need to submit these names and addresses or bulk requests again. A copy of that letter is attached as Exhibit B.

5. From August 12, 2010 to October 18, 2010, GCG has received an additional 16,265 names and addresses of potential Class Members from individuals or Nominees requesting Claim Packets to be mailed. Also, GCG has received requests from brokers and other nominee holders for an additional 1,050 Claim Packets to be forwarded by them to their customers. All such requests have been complied with in a timely manner.

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<sup>3</sup> The Claim Packets were mailed to potential Underwriter and THL Class Members who purchased or otherwise acquired Refco Group Ltd., LLC/Refco Finance Inc. 9% Senior Subordinated Notes due 2012 and/or common stock of Refco during the period July 1, 2004 through and including October 17, 2005 ("Underwriter and THL Class Period") and to BAWAG Class Members.

<sup>4</sup> This Nominee database was substantially the same as the database used for the 2007 Mailing. GCG continuously updates its Nominee database with new addresses when they are received, and eliminates duplicate or obsolete addresses when identified (as brokers merge or go out of business).

6. As of October 18, 2010, 40,204 Claim Packets were promptly disseminated to potential Class Members by first-class mail.<sup>5</sup>

#### **PUBLICATION OF THE SUMMARY NOTICES**

7. Pursuant to the Preliminary Approval Orders, GCG Communications, the media division of GCG, caused the Summary Notice of (I) Proposed Settlement of Class Action with the Audit Committee and THL Defendants and (II) Hearing on Proposed Settlement and (III) Motion for Award of Attorneys' Fees and Reimbursement of Expenses (the "THL Summary Notice") to be published on August 18, 2010 in *Investor's Business Daily*. And on August 23, 2010, GCG Communications caused the Summary Notice of (I) Proposed Settlements of Class Action with the Underwriter Defendants, (II) Hearing on Proposed Settlements, and (III) Motion for Award of Attorneys' Fees and Reimbursement of Expenses (the "Underwriter Summary Notice") to be published in *Investor's Business Daily*.<sup>6</sup> Attached hereto as Exhibit C are the affidavits of Kathy Murray, of *Investor's Business Daily*, attesting to those publications.

#### **TELEPHONE HOTLINE**

8. In 2007, GCG established a toll-free Interactive Voice Response ("IVR") system to accommodate potential Class Members in connection with the settlement with BAWAG. On or about August 11, 2010, that IVR system was updated for information concerning the settlements with THL, the Audit Committee, the Settling Underwriter Defendants and Sandler O'Neill Partners L.P. From August 12, 2010 to October 18, 2010, GCG has received a total of 690 calls, out of which 361 potential Claimants left messages and/or requests to speak with GCG administrators. All of the requests for a return phone call have been handled.

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<sup>5</sup> In addition, GCG re-mailed 914 Claim Packets to updated addresses provided to GCG by the U.S. Postal Service.

<sup>6</sup> The settlement with Sandler O'Neill Partners L.P. was included in the Underwriter Summary Notice.

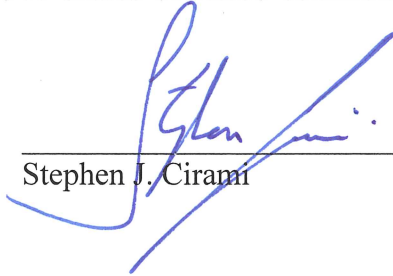
**WEBSITE**

9. On or about August 11, 2010, a copy of the Underwriter Notice and the THL Notice, the Proof of Claim and the Plan of Allocation, as well as a link to the settlement website ([www.refcosecuritieslitigation.com](http://www.refcosecuritieslitigation.com)) were posted on GCG's website ([www.gcginc.com](http://www.gcginc.com)). The website also lists the exclusion, objection and claim filing deadlines, as well as the date and time of the Court's Settlement Fairness Hearing. The website also contains a link to a document that contains detailed instructions for institutions submitting their claims electronically. In addition, this website also gives claimants the opportunity to file their claims online, including the ability to upload supporting documentation.

**REPORT ON EXCLUSION REQUESTS RECEIVED**

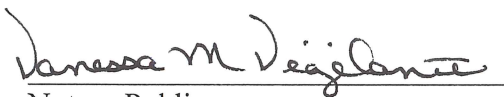
10. The Underwriter Notice and the THL Notice each informed potential Class Members that any written requests for exclusion were to be mailed addressed to Refco Securities Litigation, c/o The Garden City Group, Inc., Claims Administrator, P.O. Box 9087, Dublin, OH 43017-0987, such that they were received no later than October 7, 2010. GCG has been monitoring all mail delivered to that Post Office Box.

11. To date, GCG has received one request for exclusion from Douglas Bragan of Chicago, Illinois. Mr. Bragan purchased 300 shares of Refco common stock during the class period.

  
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Stephen J. Cirianni

Sworn to before me this

20<sup>th</sup> day of October, 2010

  
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Notary Public

VANESSA M. VIGILANTE  
Notary Public, State of New York  
No. 01VI6143817  
Qualified in Queens County  
My Commission Expires 4-17-2014